

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEVE DAVIS, §  
§  
*Plaintiff,* §  
§  
v. § Civil Action No. 3:19-CV-2300-X  
§  
ACORN STAIRLIFTS, INC., §  
§  
*Defendant.* §

**ORDER REQUIRING ATTORNEY CONFERENCE  
AND PROPOSAL FOR CONTENTS OF  
SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rule of Civil Procedure 16(b) and the Court's Civil Justice Expense and Delay Reduction Plan, the Court enters this order to promote possible early settlement of this action and to facilitate subsequent entry of a Scheduling and Discovery Order.

I.

Lead counsel for each party (or a designee attorney with appropriate authority) shall personally meet at a mutually agreeable location at least 14 days before the date specified in Section VII of this order.<sup>1</sup> Counsel shall determine in good faith whether this case can be settled before additional expenses are incurred. Counsel shall also submit a Joint Proposal for Contents of Scheduling and Discovery Order. The Joint Proposal shall include a status report setting out the progress made at the meeting and the present status of settlement negotiations. (In a non-jury case, the parties shall not disclose settlement figures.) The parties shall also advise the Court regarding the advisability of referring the cases for mediation.

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<sup>1</sup> Fed. R. Civ. P. 26(f)(1)-(2).

II.

If the case does not settle, counsel shall submit a Joint Proposal that contains the following:

1. A proposed time limit to file motions for leave to join other parties and to amend the pleadings;
2. Proposed time limits to file various types of motions;
3. A proposed plan and schedule for discovery, including a time limit to complete discovery;
4. A proposal for limitations, if any, to be placed upon discovery;
5. A proposed time limit to designate expert witnesses;
6. A proposed trial date, estimated number of days required for trial, and whether a jury has been demanded;
7. A proposed date for commencing settlement negotiations;
8. Whether the parties will consent to trial (jury or non-jury) before a United States Magistrate Judge;<sup>2</sup>
9. Whether the parties are considering mediation or arbitration to resolve this litigation, and if not then why not;<sup>3</sup>
10. Any other proposals regarding scheduling and discovery and that the parties believe will facilitate expeditious and orderly preparation for trial, including the parties' positions on a consolidated discovery schedule; and
11. Any other matters relevant to the status and disposition of this case.

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<sup>2</sup> Before responding to this question, counsel are directed to carefully review the provisions of 28 U.S.C. § 636(c) and, specifically, section 636(c)(3).

<sup>3</sup> The Court encourages the early use of mediation or arbitration.

III.

Lead counsel for plaintiff is responsible for initiating contact with opposing counsel for the purpose of preparing the Proposal. But lead counsel for all parties are equally responsible for seeing that this order is complied with in a timely manner. At least one counsel for each party shall sign the Proposal prior to filing.

IV.

If counsel cannot agree on a recommendation, the Proposal shall set forth each party's respective recommendation and shall state why agreement could not be reached.

V.

Because the Court is to enter a Scheduling Order "as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared,"<sup>4</sup> the Court will review with disfavor requests for extensions of time to file the Proposal and will deny them absent a showing of good cause.

VI.

Unless the Court sets or a party requests a scheduling conference, the Scheduling and Discovery Order will be issued following the Court's review of the Proposal. Once the Scheduling Order has been issued, the Court will review with disfavor requests for extensions of the Scheduling Order's deadlines and will deny them absent a showing of good cause.

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<sup>4</sup> Fed. R. Civ. P. 16(b)(2).

VII.

The Proposal shall be filed on or before **January 13, 2020**.

**IT IS SO ORDERED** this 2nd day of December, 2019.



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BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE